

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and the following remarks are presented for the Examiner's consideration.

Applicants note that the Examiner has not acknowledged the receipt of the certified copy of the priority document submitted with the filing of the application on June 20, 2001. Applicants therefore request that the Examiner acknowledge the receipt of the priority document in the next official action.

It is also noted that Applicants have not received initialed copies of the forms PTO-1449 submitted on May 7, 2004 and June 11, 2003, respectively. Applicants therefore request initialed copies be forwarded in the next official action.

The Examiner indicates in the Office Action that claims 1 to 25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 22 of co-pending Application No. 09/885,435. The Examiner indicates as follows.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter is similar. For example, claim 1 of both applications are claiming a communication system for transmitting and receiving signal carrying a voice signal indicative of voice information and a tone signal indicative of data. The elements in the claims are almost identical. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

In response to the Examiner's indication, the applicants have submitted a Terminal

Appl. No. 09/885,429
Arndt. Dated October 18, 2005
Reply to Office action of July 28, 2005

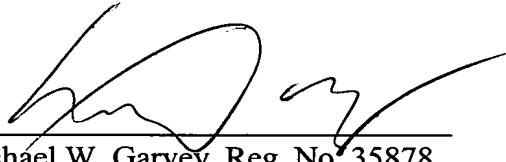
Disclaimer herewith to overcome the obvious-type double patenting rejection based on claims 1 to 22 of co-pending Application No. 09/885,435. In view of the Terminal Disclaimer submitted herewith, this rejection is believed to be no longer applicable to the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33710.

Respectfully submitted,

PEARNE & GORDON LLP

By:



Michael W. Garvey, Reg. No. 35878

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: October 18, 2005